

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIGUEL RODRIGUEZ CORTEZ, et al.,
Plaintiffs,
v.
COUNTY OF MERCED, et al.,
Defendants.

Case No. 1:20-cv-00161-NONE-SAB

ORDER REQUIRING MARK E. MERIN
AND PAUL MASUHARA TO
SUPPLEMENT MOTION TO WITHDRAW
AS COUNSEL FOR DESIREE MERCADO

DEADLINE: OCTOBER 5, 2020

Plaintiffs Miguel Rodriguez Cortez and Desiree Mercado filed this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants County of Merced, Merced County Sheriff's Office, and Vernon Warnke. (ECF No. 1.) On September 9, 2020, Mark E. Merin and Paul Masuhara, counsel for Plaintiff Mercado, filed a motion to withdraw from representation in this matter. In support of the motion, counsel submitted a declaration asserting that they have been unable to contact Plaintiff Mercado from April to August 2020. However, the declaration is lacking in sufficient factual detail for the Court to determine that there has been a breakdown in contact with Plaintiff Mercado.

Specifically, although counsel states that they have attempted to contact Plaintiff Mercado through her last-known phone numbers, home address, email address, and social media account, there are no dates of the attempted contact, no information on what occurred (such as mail returned, etc.), and no information regarding whether she was requested to contact the

1 office and did not do so.

2 Further, on August 26, 2020, Plaintiff Mercado contacted the office by email, but there is
3 no information regarding the substance of this contact such that the Court can determine that
4 good cause exists for counsel to withdraw from representation. While the Court is cognizant that
5 counsel may not disclose certain information as protected by attorney client privilege, on the
6 current record, the Court is unable to determine if Plaintiff Mercado has failed to keep in contact
7 with counsel making it unreasonably difficult to continue representing her in this action.

8 Accordingly, on or before October 5, 2020, counsel shall supplement their motion to
9 withdraw addressing these issues.

10
11 IT IS SO ORDERED.

12 Dated: September 29, 2020


UNITED STATES MAGISTRATE JUDGE